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## Systemic failure

Posted by Levenax - 2008/06/20 08:31

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[http://www.theherald.co.uk/news/news/display.var.2353727.0.Sheriff\\_warns\\_we\\_can\\_no\\_longer\\_ensure\\_public\\_safety.php](http://www.theherald.co.uk/news/news/display.var.2353727.0.Sheriff_warns_we_can_no_longer_ensure_public_safety.php)

So another vile piece of useless lowlife runs riot when he should have been in prison. A surprise? No, because although it might have been some half witted pen pusher who was to blame this time it's usually the Sheriffs who let these scumbags off. If Sheriff Dickson had any concern for the welfare of the public who pay his exceptionally handsome salary he wouldn't have given this villain bail. It's high time Sheriffs were made to account for their actions.

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## Re:Systemic failure

Posted by Martin - 2008/06/20 17:31

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Hi Lev, sorry mate, but you're wrong this time. It wasn't a Sheriff who gave this scumbag bail, but a faceless and non-accountable grey suit from the SPS who decided to award Home Detention Curfew (HDC) despite not knowing the history or the wishes of the court. Presumably, this was to make his stats look good.

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## Re:Systemic failure

Posted by scunnert - 2008/06/20 20:15

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Where have you lot been? Bureaucrats took over the world in a secret coup some years ago. The form fillers and paper shufflers now make the rules and the decisions. In a Schedule 1 facility I once worked in they were downsizing. Managers were so eager to save their jobs that when a supervisory position came open on a clinical unit they transferred a manager in from - wait for it - the kitchen. So we had a cook making clinical decision regarding the welfare of many, many people. When i complained to the administrator he cancelled all my work - research into the causes and treatment of self-injury - but refused to reassign me. I was on an extended coffee break until I quit.

That's the reality. Now shut up before you get yourselves into serious trouble.

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## Re:Systemic failure

Posted by Clare - 2008/06/20 20:22

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I read yesterday of yet another murder case. It was murder where the guy got off with culpable homicide and got four years. He'd kicked a guy to death because he was "angry". The dead boy's family were in total shock after the sentence. No wonder. What on earth is going on?

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## Re:Systemic failure

Posted by TLJ - 2008/06/20 20:25

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Clare wrote:

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Then it wasn't murder. It was culpable homicide.

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## Re:Systemic failure

Posted by scunnert - 2008/06/20 20:26

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Here's another one:

The same administrator refused to cover the cost of my attendance at a conference where I wanted to present a paper on a possible treatment for rumination ( an eating disorder where the food bolus is brought up into the mouth to be rechewed ) that could've, potentially, saved the province tens of thousands a year in dental and medical treatment for these folks. So this little mandarin saved a couple of hundred out his his 62 million budget but cost the tax payer hundreds of thousands over the years. Jerk!

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## Re:Systemic failure

Posted by Levenax - 2008/06/20 23:07

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Martin wrote:

Hi Lev, sorry mate, but you're wrong this time. It wasn't a Sheriff who gave this scumbag bail, but a faceless and non-accountable grey suit from the SPS who decided to award Home Detention Curfew (HDC) despite not knowing the history or the wishes of the court. Presumably, this was to make his stats look good.

Er, that's not how I read it.

Sheriff Dickson deferred sentence on Jarvie until July 9 to allow a new probation report to be prepared. Jarvie was released on bail with the condition that he must remain at his bail address from 6pm to 6am.

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## Re:Systemic failure

Posted by Levenax - 2008/06/20 23:10

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TLJ wrote:

Clare wrote:

I read yesterday of yet another murder case. It was murder where the guy got off with culpable homicide and got four years.

Then it wasn't murder. It was culpable homicide.

Oh it was murder OK. It's just that the prosecutor couldn't be bothered doing his job. When is kicking somebody to death not murder? And don't say when it's culpable homicide - please.

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## Re:Systemic failure

Posted by TLJ - 2008/06/21 07:17

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Levenax wrote:

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When somebody is provoked into taking violent action which ultimately leads to death.....such as getting into a fight after being bottled on the head. Then it's culpable homicide and not murder.

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## Re:Systemic failure

Posted by Martin - 2008/06/21 10:14

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Levenax wrote:

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Er, that's not how I read it.

Sheriff Dickson deferred sentence on Jarvie until July 9 to allow a new probation report to be prepared. Jarvie was released on bail with the condition that he must remain at his bail address from 6pm to 6am.

My God, I missed that, Lev! I was very supportive of Sheriff Dickson's comments about the pen pusher who let this scum out after less than a third of his sentence and I thought that at last a Sheriff was getting it right. His comments are brilliant, but, what a hypocrite to then let him out on bail on his new offense. He should have been locked up to complete his previous sentence while the Sheriff contemplated his new one which should run consecutively. I also like the policy on some states of the US of 3 strikes and it's life.

My apologies for talking at cross purposes, Lev.

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## Re: Systemic failure

Posted by Levenax - 2008/06/21 10:39

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Martin wrote:

I also like the policy on some states of the US of 3 strikes and it's life.

I like that policy too. We're far too tolerant of repeat offenders in this country. Every one of us is capable of making a mistake or an error of judgement or being easily led or keeping the wrong company or having a moment of madness or a difficult upbringing or a tragic past.... read the court pages in your local paper to get the full flavour of the inventiveness of defence solicitors. BUT having learned a lesson, paid the price etc etc there can be NO excuse for repeat offending and if it happens it shows that the criminal isn't fit to mix with normal people. Mr Jarvie, the serial offender in this case, is a good example of the kind of moral degenerate that plagues our society. They should be removed from circulation for a long time and if that means building more prisons so be it.

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## Re: Systemic failure

Posted by Clare - 2008/06/21 10:48

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TLJ wrote:

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When somebody is provoked into taking violent action which ultimately leads to death.....such as getting into a fight after being bottled on the head. Then it's culpable homicide and not murder.

Well I think there is now no hope. Four years he got and he'll be out in two, after kicking someone to death because he was "angry". I really do give up on any system that says its OK to do that to anyone and OK to reduce the charge and the sentence because ultimately they are saying its bloody OK to kill someone and I'm sick of all the excuses being made for these monsters.

Maybe if we just charged these people with plain old "killing" another person and had a minimum sentence (let's start at TWENTY years) for killing someone they'd realise that its a kind of serious thing to do. I am out of patience with these

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people TLJ, I really am. If we give them enough notice then they'll know that from now on the soft options are gone.

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## Re: Systemic failure

Posted by Levenax - 2008/06/21 10:51

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TLJ wrote:

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[http://news.bbc.co.uk/1/hi/scotland/glasgow\\_and\\_west/7466197.stm](http://news.bbc.co.uk/1/hi/scotland/glasgow_and_west/7466197.stm)

Jailed for killing somebody in 2004, let off with culpable homicide and back on the streets with a gun in 2007...? Mr Robertson is clearly a dangerous maniac and it's quite astonishing that the judge gave him a discount of five years for pleading guilty. Types like Robertson should die in jail.

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## Re: Systemic failure

Posted by Clare - 2008/06/21 10:54

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Jailed for culpable homicide in 2004 and on the streets with a gun in 2008...? Mr Robertson is clearly a maniac and it's astonishing that the judge gave him a discount of five years for pleading guilty. Types like Robertson should die in jail.

I agree Lev. This was pre planned to the last detail. An execution basically. What a monster.

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## Re: Systemic failure

Posted by Martin - 2008/06/21 12:14

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Clare and Levenax agreeing and united against these thugs!! God help them, their tea's definitely oot now!!!!

Seriously though, I have said it before on other subjects, we have far too many people in prisons who pose no physical danger to society, ie fraudsters etc. We should find ways to clear these types out of prisons and vastly increase sentence for dangerous lowlives like these.

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## Re: Systemic failure

Posted by scunnert - 2008/06/21 16:03

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Can the Source of Aggression be found in the Brain?

Irma Iskandar

In Holland, male members of a certain family were found to be prone to violent outbursts; one male, criticized by his employer, attempted to run him over with a car - another raped his sister and was sent to a mental hospital - a third coerced his sister into undressing by threatening her with a knife. Such men display retarded motor development, difficulties in task planning, and awkward sexual behavior. (1). Recently, researchers claimed to have found the basis of such aggressive behavior to genetic sources - specifically, a deficiency in the MAOA gene of these males (2).

<http://serendip.brynmawr.edu/bb/neuro/neuro01/web1/Iskander.html>

It's interesting that most of the research into aggressive behaviour was sponsored by the CIA during the 50's and 60's. There is a ton of literature on the subject - go read.

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## Re: Systemic failure

Posted by TLJ - 2008/06/21 16:14

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Levenax wrote:

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Again because it was culpable homicide.

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## Re: Systemic failure

Posted by Levenax - 2008/06/21 16:14

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Martin wrote:

Clare and Levenax agreeing and united against these thugs!! God help them, their tea's definitely out now!!!!

Seriously though, I have said it before on other subjects, we have far too many people in prisons who pose no physical danger to society, ie fraudsters etc. We should find ways to clear these types out of prisons and vastly increase sentence for dangerous lowlives like these.

Exactly. Get all the petty criminals out of jail and into hi vis jackets so we know who they are. Then set them to work doing all the stuff councils claim they don't have the money to do. Like in our area some people don't have separate recycling bins because there's nowhere to store them so all their rubbish goes into one bin. CSO types should be set to go through all the stuff in these bins and sort out the cans, cardboard, glass and vegetable waste so it can be recycled. There are lots of jobs like that so why aren't criminals doing them instead of wasting our money keeping them in comfort in jail?

Once we've got that sorted we could lock up the real baddies until they die.

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## Re: Systemic failure

Posted by Levenax - 2008/06/21 16:44

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TLJ wrote:

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Jailed for killing somebody in 2004, let off with culpable homicide and back on the streets with a gun in 2007...?

Again because it was culpable homicide.

He must have been provoked a great deal and become very angry indeed if he only spent three years in jail for killing somebody.

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## Re: Systemic failure

Posted by TLJ - 2008/06/21 17:02

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It was culpable homicide in the first incident because the death resulted from a single punch.

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## Re: Systemic failure

Posted by Levenax - 2008/06/22 10:47

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TLJ wrote:

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Oh, that's OK then. At least it was quick.

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## Re: Systemic failure

Posted by TLJ - 2008/06/22 10:51

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Levenax wrote:

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No, it's not OK. The death of anyone is not "OK". But the charge of culpable homicide was the correct one on that occasion.

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## Re: Systemic failure

Posted by Levenax - 2008/06/22 12:01

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Did I suggest that the victim's death was OK?

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## Re: Systemic failure

Posted by TLJ - 2008/06/22 12:12

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Levenax wrote:

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Oh, that's OK then. At least it was quick.

No, it's not OK. The death of anyone is not "OK". But the charge of culpable homicide was the correct one on that occasion.

Did I suggest that the victim's death was OK?

No. I took it as a sarcastic response to my pointing out the justification for the earlier charge being for culpable homicide rather than for murder.

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## Re: Systemic failure

Posted by Martin - 2008/06/22 14:14

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In any case, I reckon that 3 years for culpably (is that a word?) taking someone's life is ridiculous. This wasn't an accident.

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## Re: Systemic failure

Posted by Clare - 2008/06/22 14:53

Martin wrote:

In any case, I reckon that 3 years for culpably (is that a word?) taking someone's life is ridiculous. This wasn't an accident.

I agree Martin. I think leniency is THE reason why violent crime rises with no thought for the consequences in terms of the penalty that will be imposed by a Criminal Justice system which increasingly appears to view the taking of a life with such indifference. Three years in reality means half of that. So it isn't even three years. In the case I quoted earlier the deceased person had committed the terrible sin of simply being in the wrong place at the wrong time, when someone else was "angry". He is now dead and his murderer, for that is what he is, got four years.

I am against capital punishment but I am all for re-drawing the whole plan because it just isn't acceptable any more. We need a new system to deal with serious crime and an acceptable system which addresses more minor crimes which, although minor, must carry penalties of some sort. We need this urgently.

It is true that some wander into criminal life styles as a result of their environment. Even so, it should not prevent us from calling the shots. Their environment might say their behaviour is acceptable but out there, in schools, and everywhere else, it should be made quite clear that it most definitely is not acceptable. Yes fisticuffs have been with us always but once there was some sort of code involved whereby five against one wasn't acceptable nor were knives! There are no rules now and when the end result is someone's death the penalties must be heavy ones.

I think you can have a damn good try at educating children regarding the consequences of violence and keep repeating the message. I think schools should respond to violent pupils by, I'm sorry, throwing them out! I am SICK of special treatment being provided for thugs to show them that kicking hell out of other pupils isn't the way to go. Why should they get special treatment when the ones who deserve that privilege are those who want to be in class to learn, not to intimidate others? They should get ONE chance to play by the rules and if they choose to opt out it isn't our problem.

On sentencing, whether it is termed culpable homicide, manslaughter or whatever if you kill someone anything under ten years just doesn't send out a serious message. Allowing people to serve only half of a sentence doesn't either for you are saying the true value of ending someone's life doesn't matter that much. It so should.

I realise there can be extenuating circumstances however when the end result is the taking of someone's life I feel strongly that the underlying message has to take precedence over everything else. The existence of a clear sentencing policy when it comes to the loss of a life or serious violence will send out that message and no smart lawyer will be able to get around it and allow the scum who now litter society to go on doing what they do.

So yes, sort out those in prisons for minor offences and get cracking on a new system to deal with them. It may be some still need to be imprisoned but they could be held in places other than prisons. But get a new sentencing policy in place

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for killing and serious violent crimes. Minimum sentence ten years, all of it to be served, no matter what the circumstances. That's for the complicated ones. For the straightforward murder cases, minimum twenty years. (Let a judge sentence for longer if he sees fit but minimum twenty years.) No access to computers or mobile phones. Yes, give them their own cell and a television and a toilet but give them a job too so that they can start repaying their debt to society in exchange for their keep. Its called justice. Let them learn while they're inside if they want but let them do it using books, not computers. If we have to give them computers then let their use of such things be supervised at all times.

Life is not cheap and to take that very thing from someone is a terrible thing to do. If we have in place a system which says "If you do this you are going away for at least twenty years." then you are saying something very different from what we currently say to murderers. For right now we are saying to them, "It isn't a big deal. You could be out on the street again in eighteen months." That is an insult to the law abiding majority and it cannot go on. I am not certain that we haven't already lost control out there in the real world. I'm optimistic tho that if we take control back we could stop in its tracks the increasing death toll on our streets and the message that a person's life being taken isn't a terrible thing.

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## Re: Systemic failure

Posted by TLJ - 2008/06/22 15:44

Martin wrote:

In any case, I reckon that 3 years for culpably (is that a word?) taking someone's life is ridiculous. This wasn't an accident.

The punch wasn't; the death from that punch was.

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## Re: Systemic failure

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TLJ wrote:

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In any case, I reckon that 3 years for culpably (is that a word?) taking someone's life is ridiculous. This wasn't an accident.

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T, I understand the point you're making about how these incidents are judged and dealt with under the present law. The point I'm making is that if people are fully aware of the heavy automatic penalties attached to being associated with the ending of a life, no matter how accidental that is, then they will re-think the whole strategy of taking a violent approach in the first place. They just won't go that route if they face a minimum of ten years in jail no matter what. They won't risk it. And for those who deliberately murder and use violence as a way of life, well they're away for at least twenty, no frills, no halving of sentences, they will do the time and work right through it to pay their way for their keep. If we make the penalties clear they can have no complaint.

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## Re: Systemic failure

Posted by TLJ - 2008/06/22 17:01

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I understand your point too but I think it's too simplistic. The vast majority of killings are relatively spontaneous - pre-planned executions are relatively few and far between - and the potential tariff is the last thing that's on the mind of a violent person fuelled with alcohol.

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## Re: Systemic failure

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I understand your point too but I think it's too simplistic. The vast majority of killings are relatively spontaneous - pre-planned executions are relatively few and far between - and the potential tariff is the last thing that's on the mind of a violent person fuelled with alcohol.

Spontaneous or not a simplistic approach to the taking of a life will leave no one in any doubt about the penalties. Everyone will know the deal and I think we have catered for those who punch now and think later for far too long as it is. People have been kicked to death "spontaneously" on many occasions, particularly by groups. It is still cold blooded murder. I also forgot to say that in murders like that where a group have participated they should ALL go down. To hell with this "I didn't deliver the fatal blow." crap. If there were five of them involved in kicking someone to death then they're all away for twenty.

I also have ideas to reform the Prison Service by the way because I think that body is responsible for turning a blind eye to much of what goes on in our prisons. I would install CCTV all over prisons to make sure they're doing their jobs. Protection rackets, drugs and the rest can only operate in prisons with the approval of the Prison Staff. That's a fact. The whole system needs cleaned up and cleaned out. Ooops there's the phone, bet its Kenny MacAskill :laugh:

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## Re: Systemic failure

Posted by dws - 2008/06/22 17:37

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Clare wrote:

People have been kicked to death "spontaneously" on many occasions, particularly by groups. It is still cold blooded murder.

For "murder" intent to kill must be proved beyond reasonable doubt. Giving someone a kicking, while abhorrent, wouldn't necessarily constitute intent to kill, unless you're talking about changing the law.

I also forgot to say that in murders like that where a group have participated they should ALL go down. To hell with this "I didn't deliver the fatal blow." crap. If there were five of them involved in kicking someone to death then they're all away for twenty.

Again, you're on shaky ground as far as the law is concerned. Following your line of thought, if I gave a bloke a bloody nose and then four others kicked him to death, I'd be sent down for 20 years.:blink:

Look, I can sympathise with your feelings. I don't like the violence around and believe it should be tackled. Let's be realistic though: every case on it's own merits, and no more talk of blanket 20 years for any case which results in a death. It's not that simple.

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## Re: Systemic failure

Posted by TLJ - 2008/06/22 18:22

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dws wrote:

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Gosh, a PC PC ;)

Seriously, I'd be worried if I was ever charged with a crime and some posters here were on the jury. Trying and sentencing isn't easy and nothing should ever be as simplistic as a one-sentence-fits-all approach to justice.

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## Re: Systemic failure

Posted by dws - 2008/06/22 18:31

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TLJ wrote:

Gosh, a PC PC ;)

Less of the insults, you...I'm as PC as Gene Hunt!;)

Seriously, I'd be worried if I was ever charged with a crime and some posters here were on the jury. Trying and sentencing isn't easy and nothing should ever be as simplistic as a one-sentence-fits-all approach to justice.

Agreed, but I feel their pain, having to deal with the outcome. I'd bring back capital punishment, how P.C. is that?

Feel free to berate me for that opinion, but they would murder no more, what an effective deterrent.

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## Re: Systemic failure

Posted by Clare - 2008/06/22 18:32

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Yes I AM talking about changing the law. Completely.

From now on no more "We only meant to give him a good kicking, not to kill him." is out of the window. That is the whole point of drawing up the laws again and making it clear that if you participate in an incident where your violent actions lead to the death of another person then you are going away for a long time.

By introducing such laws you are indeed being simplistic and clear on the penalties but you are also making people THINK about the consequences of violence for them. That is the key to all of it. We have tolerated violence for far too long and shown no thought for those who died or were seriously injured as a result of it. We have handed down paltry sentences in response and introduced ludicrous early release policies which send out the wrong message. That is why

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we now have a blatant disregard for violence and its terrible consequences because it is seen as no big deal.

My mother used to say that in her day they actually followed murder cases in the paper, they were so rare. These days they are ten a penny because we have ceased to deal with the culprits. Instead we have a soft approach that makes the victim the only one who pays the price. Those who inflict the damage pay no price at all.

New laws will send out a new message and we will perhaps save some from choosing lives which involve violence as a matter of course. For they will know that from now on tougher penalties will take them out of circulation and keep them there for a long time. I think that will lead many to reconsider their way of life. It will also reassure the law abiding majority that someone, for a change, is looking out for us. Finally it will save lives. If I'm being simplistic it is for one reason only: its because it really is simple and we have made it too complicated.

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## Re: Systemic failure

Posted by Clare - 2008/06/22 18:47

TLJ wrote:

dws wrote:

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Gosh, a PC PC ;)

Seriously, I'd be worried if I was ever charged with a crime and some posters here were on the jury. Trying and sentencing isn't easy and nothing should ever be as simplistic as a one-sentence-fits-all approach to justice.

I didn't say one sentence fits all. I said where a killing is involved we can't continue handing out sentences of four years and less when a person is dead. I said we need to take on the situation now where people are almost literally getting away with murder. I also said that if we get new laws in making it clear the soft option days are over people will have to re think their ways when it comes to violence.

My brother's car was recently stopped by a man who was distraught, begging him to take him to Holmlea Road in Glasgow because "my boy's been stabbed." My brother took the man there at once. A crowd had gathered and police were already there. The man ran from the taxi and my brother remained in the car. Police wouldn't let the man through obviously. He told them who he was and my brother saw the police take the man to the side and speak to him during which he had to be supported. They were clearly telling him his son was dead. My brother said it was the first time he had ever seen someone literally wringing their hands in sheer grief. My brother was himself sat in his car crying his eyes out for that man whose son had not been involved in any of it, he was simply picked out at random by a gang for "a kicking" and I'm sure no one meant to kill him! He was celebrating his 18th birthday. THAT's the sort of scum we need to meet head on and deal with and that is the mentality we need to show we have had enough. When a person pays with their life qualifying the crime in the way we currently do is an insult. It is also the reason why so many don't care about what they do to others. They know the current penalties are nothing.

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## Re: Systemic failure

Posted by dws - 2008/06/22 19:07

Clare wrote:

Yes I AM talking about changing the law. Completely.

Care to expand on that? Violent crime has a wide spectrum, If I wave a knife at you, I'm committing assault. If I spit at you (even if it doesn't land on you) I'm committing assault. How would you define common law assault, aggravated assault, assault with intent to kill, etc.?

From now on no more "We only meant to give him a good kicking, not to kill him." is out of the window. That is the whole point of drawing up the laws again and making it clear that if you participate in an incident where your violent actions lead to the death of another person then you are going away for a long time.

Say you caught a burglar in your house, and he threatened you. Presently you can use the minimum amount of force necessary for self-defence. If you lost your temper and battered the shit out of him, would you equate your crime on the

same level as someone beating someone up for their choice of football team, for example?

By introducing such laws you are indeed being simplistic and clear on the penalties but you are also making people THINK about the consequences of violence for them. That is the key to all of it.

No, it isn't. The whole point about such crimes are they are in the heat of the moment. You can't equate that with cold-blooded murder. What's your views on Crime passionelle? If your husband beat you for 20 years and you snapped, killing him, would you first think "I mustn't. I will go to jail for a long time." Of course you wouldn't...you've just lost your temper.

We have tolerated violence for far too long and shown no thought for those who died or were seriously injured as a result of it.

Agreed.

We have handed down paltry sentences in response and introduced ludicrous early release policies which send out the wrong message.

Again, agreed.

That is why we now have a blatant disregard for violence and its terrible consequences because it is seen as no big deal.

Disagreed. We haven't a disregard for it, we're scared of it and we don't know how to solve it.

Longer sentences, yes I can go for that. Bundling all violent crime together and locking everyone up, no...sorry.

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## Re: Systemic failure

Posted by Clare - 2008/06/22 19:22

"Crime passionelle? If your husband beat you for 20 years and you snapped, killing him, would you first think "I mustn't. I will go to jail for a long time." Of course you wouldn't...you've just lost your temper."

If my husband beat me for 20 years and I stayed and took it then I was the fool! If I waited until I "snapped" I've committed a murder and I do time and if I had a brain in the first place I'd have left after the first time he beat me. I then wouldn't have been "driven" to murder him.

The key is NOT to seek to justify any of it it is to say this is NEVER justified and we will not listen to excuses. It is to say if you do this the soft approach won't have you back on the streets in eighteen months because the soft approach is no more.

I'm not talking about assaults. I'm talking about KILLING people and engaging in activities which, whether intentional or not, lead to a person being killed.

I'm talking about a system which currently works for the criminal and not for the victim by allowing serious crimes which have resulted in the loss of a life to be plea-bargained down to something not very important. I'm talking about a justice system that delivers anything but justice.

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## Re: Systemic failure

Posted by scunnert - 2008/06/22 21:56

The two main types of aggression are;

1. Affective - aggression as an emotional response to an aversive stimulus.
2. Instrumental - aggression as a strategy to achieve a tangible goal.

If the aggressive behaviour results in death the first would be considered a "crime of passion" and therefore not murder, while the second, even if death were not intended, would, in most countries, be considered to be a wrongful death in the pursuit of a crime and, therefore, murder. Or am I just talkin mince?:unsure:

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